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January 22, 2020

VIA EMAIL

United States District Court, District of Nevada
333 Las Vegas Boulevard South
Las Vegas, Nevada 89101

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Re: *Commodity Futures Trading Commission v. David Gilbert Saffron, et al.*,
Case No. 2:19-cv-1697-JAD-DJA

To Whom It May Concern, Including This Honorable Court:

I write to clarify and apologize to the government and to the Court in advance of the hearing which I understand is scheduled before the Court for this afternoon at 3 o'clock p.m., in the above-titled matter.

I previously attempted to file with the Court, and did email to government counsel and agents with a modified certificate of service,¹ a document titled Preliminary Answer and Motion For Additional Time To Answer on behalf of Defendants David Gilbert Saffron and Circle Society.²

¹ The certificate of service had been modified because I was working on short notice without local counsel at the time but, as I had explained in the filing, with the expectation that I was going to be able to arrange for local counsel, who had previously appeared in this matter but withdrawn with notice to the Court that he would likely reappear once the clients could fulfill what he had requested in his proposed engagement, at which point, he would appear for the corporate client and sponsor my application for admission *pro hac vice* to represent Mr. Saffron. (Of course, I would never presume admission *pro hac vice*, nor did I make any representation regarding the same in this case, but I have previously applied for and been granted admission *pro hac vice* in other matters pending before this Court.)

² I understand the Court may not have been aware of this expedited and prior filing as I have recently learned that, because of the confusion and unresolved issues surrounding my work on behalf of Mr. Saffron, and attempt to resolve the necessary issues to procure local sponsoring counsel, the filing was not filed with the Clerk's office, as the certificate of service attached to the document had represented. I take responsibility and apologize profoundly to the government and the Court for making a representation regarding service of process that turned out to be untrue.

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In that filing, I explained the work that me and my ad hoc team of individuals and investigators to rebut and refute the allegations being made in this matter by the government against Mr. Saffron and the Circle Society. As I wrote at the time, it was clear to me that there was a vast chasm of misunderstanding exhibited by the government in its filings and materials presented to the court, including those materials upon which the court had relied to grant the temporary restraining order and preliminary injunction that the Defendants were being asked to respond to, and that it had become very clear to me that the government simply did not understand what is, admittedly, a new and unfamiliar world involving cryptocurrency and cryptocurrency transactions.

In the intervening time, I have continued to work on this matter, with the team I have assembled, and with Mr. Saffron himself. In that time, I have continued to impress upon Mr. Saffron the need for him to fulfill his financial promises and obligations to me, so that I could continue to help him, so that the ad hoc team of staff and investigators that I had assembled to respond substantively in this matter could continue to help him, and most importantly, so that we could secure the help of local counsel, who we needed, and who has remained standing by, ready to pitch in, sponsor my application for admission pro hac admission, and help present the Defendants' case to this Court, as soon as we could satisfy what he had requested and needed to finalize the proposed engagement.

In the past several weeks, I have received daily updates from Mr. Saffron, each one assuring me that he was addressing and resolving these matters that needed to be addressed in order for us to make an appearance as it was scheduled on behalf of Defendants. In my communications with Mr. Saffron, we discussed repeatedly the challenges that he was facing to make certain that the efforts that he was making to secure the necessary funds could not be later construed as violating the terms of the existing TRO or preliminary injunction. I remained confident, and I still believe that given additional time, Mr. Saffron could do what needs to be done to secure the resources necessary for us to appear, make the presentation that needs to be made in this matter on behalf, and otherwise provide him with a full and professional defense.

Unfortunately, given the unique structure of Mr. Saffron's finances in the world of cryptocurrency and other matters unique to his financial situation, I have only recently learned that Mr. Saffron is unable to secure the necessary funds and resources that we need to appear, with local counsel, and make our presentation at the hearing today on his behalf, as I had previously represented and assured the government and Court that we would.

I apologized profusely for the misunderstandings and inconveniences that my prior correspondence and attempted filings have created in that respect, and I ask the Court for its understanding and forgiveness.

Sincerely,



Marcus R. Mumford